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FAX COVER

TO: United States Patent and Trademark Office
COMPANY: Preston Gates Ellis LLP
1900 Main Street, Suite 600
Irvine, California 92614
FROM: Louis C. Cullman
DATE: July 27, 2005
FAX NO: 571-273-8300
Central Fax Number
CONFIRMATION NO:
CLIENT-MATTER NO: 53233-00001 US
TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET: 3

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Re: Response to Restriction Requirement

Applicant: Matthew J. Birdsall
Serial No.: 10/701,262
Filed: 11/03/2003
Title: METALLIC COMPOSITE COATING FOR DELIVERY OF THERAPEUTIC AGENTS FROM THE SURFACE OF IMPLANTABLE DEVICES
Examiner: Leader, William T.
Group Art Unit: 1742
Atty Docket No.: 53233-00001 (Formerly 51298-00001)

COMMENTS:

Dear Patent Office :

Please find attached Response to Restriction Requirement.

Thank You.

The information contained in this facsimile is confidential and may also be attorney-privileged. The information is intended only for the use of the individual or entity to whom it is addressed. If you are not the intended recipient, or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received the facsimile in error, please immediately notify us by a collect telephone call to (949) 253-0900, and return the original message to us via the U.S. Postal Service. Thank you.

A LAW FIRM

A LIMITED LIABILITY PARTNERSHIP INCLUDING OTHER LIMITED LIABILITY ENTITIES

1900 MAIN STREET SUITE 600 IRVINE, CA 92614-7310 TEL: (949) 253-0900 FAX: (949) 253-0902 WWW.PRESTONGATES.COM

PAGE 1/3 * RCVD AT 7/27/2005 5:59:17 PM [Eastern Daylight Time] * SVR:USPTO-EFAX-6/26 * DNIS:2738300 * CSID:9492530902 * DURATION (mm-ss):01-28

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MAILING CERTIFICATE

I certify that on July 27, 2005, which is the date I am signing this certificate, this correspondence and all identified attachments are being deposited with the United States Postal Service by facsimile at 571-273-8300, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dulcie Donoso Fontt
Dulcie Donoso Fontt

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In a Restriction Requirement in the Office Action mailed on June 27, 2005, restriction of the claims into one of two groups was requested. Applicants elect Group II, claims 43-54 drawn to a medical device. Applicants have considered Examiner's arguments regarding this restriction do not agree with the restriction. However, as this application has been made special and in order to expedite prosecution of this application, Applicants have elected Group II and canceled claims 1-42.

Applicants submit that this application is not in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe a telephonic interview would be helpful, the Examiner is invited to contact Louis C. Cullman at 949-253-0900.

s

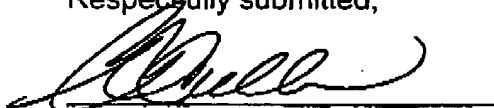
Application No.: 10/701,262
Group Art Unit: 1742
Applicant: Matthew J. Birdsall

PATENT
53233-00001 (51298-00001)

Although applicants believe that no fees are due with this response, the Commissioner is authorized to charge any fee which may be required in connection with this Notice or credit any overpayment to deposit account No. 50-3207.

Respectfully submitted,

Dated: 7/22/08


Louis L. Cullman
Registration No. 39,645

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K:5323300001 METALLIC COMPOSITE COATING00001US15232200001 RESP TO RESTRICTION REQ (8-27-05).COC